

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JUNE 11, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34310 - APPLICANT: GEORGE RAINHART - OWNER:  
ASPEN HIGHLANDS HOLDINGS, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-34308), Waiver (WVR-34311), Special Use Permit (SUP-34309) and Site Development Plan Review (SDR-34306) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 547-foot high structure with roof sign within the A-O (Airport Overlay) District where the height limitation is 175 feet for a proposed structure. The proposed development consists of a two-story, 40-foot tall commercial building, with a 507-foot tall roof sign on top. This Special Use Permit request is required to allow the proposed roof signage, which will also require approval of an associated Variance (VAR-34308). The sign, as proposed, will consist of LED video panels that will have a negative visual impact on the neighboring residential developments to the north and east; therefore, staff is recommending denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/21/96	The City Council approved a Special Use Permit (U-0151-95) for the off-premise sale of beer and wine in conjunction with a convenience store.
04/20/94	The City Council approved a Special Use Permit (U-0026-94) to allow the sale of beer and wine in conjunction with a proposed restaurant.
11/03/04	The City Council approved requests for a Special Use Permit (SUP-5028) for a proposed 73-story mixed-use development, and a Site Development Review (SDR-5027) with Waivers of the Downtown Centennial Plan Standards for streetscape, building stepbacks, and reflective glazing for a 73-story, 1,300,000 square-foot mixed-use development consisting of 960 condominium units and 25,000 square feet of commercial uses on 2.17 acres at 2423 and 2417 Las Vegas Boulevard. The Planning Commission recommended approval.
03/02/05	The City Council approved a Petition to Vacate (VAC-5030) a 20-foot wide public alley generally located north of Sahara Avenue, west of Paradise Road. The Planning Commission recommended approval.
06/15/05	The City Council approved a request for a Review of Conditions (ROC-6691) for an approved Site Development Plan Review (SDR-5027) to remove Condition numbers 18, 27 and 30 for an approved 73-story, 863-foot tall, 1,300,000 square-foot mixed-use development consisting of 951 condominium units and 41,000 square feet of commercial uses on 2.17 acres at 2417 and 2423 South Las Vegas Boulevard.
11/03/05	The Planning Commission approved a Tentative Map (TMP-9117) for a 944-unit mixed-use condominium development on 2.17 acres adjacent to the northeast corner of Sahara Avenue and Las Vegas Boulevard.

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12/06/06	The City Council approved a request for an Extension of Time (EOT-16956) of an approved Special Use Permit (SUP-5028) that allowed a 73-story mixed-use development at 2423 and 2417 Las Vegas Boulevard.
06/11/09	The Planning Commission will consider associated requests for a Waiver (WVR-34311) to allow Cincinnati Street to not terminate in a cul-de-sac; a Variance (VAR-34308) to allow a 507-foot tall, 28,856 square-foot roof sign where a maximum of eight feet in height and 150 square feet in area is permitted, and to allow the combined area of wall and roof signage to be 56% of the south elevation where a maximum of 20% per elevation is permitted; a Special Use Permit (SUP-34309) for a Liquor Establishment, Tavern with a Waiver to allow a 100-foot distance separation from a similar use where 1,500 feet is required; and a Site Development Plan Review (SDR-34306) for a proposed two-story, 37,100 square-foot non-restricted gaming (casino) and retail establishment with a Waiver of the Downtown Centennial Plan streetscape standards on Cincinnati Street at the northeast corner of Sahara Avenue and Las Vegas Boulevard.

<b><i>Related Building Permits/Business Licenses</i></b>	
07/20/90	A building permit (#90075858) was issued for a retail center at 2401 S. Las Vegas Blvd. The permit was finalized on 12/10/91.
09/26/90	A building permit (#90083891) was issued for a retail center at 2401 S. Las Vegas Blvd. The permit was finalized on 12/05/91.
08/16/91	A building permit (#91116828) was issued for on-site improvements at 2401 S. Las Vegas Blvd. The permit was finalized on 12/10/91.
08/16/91	A building permit (#91116829) was issued for a three-level garage structure at 2401 S. Las Vegas Blvd. The permit was finalized on 12/10/91.

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<b><i>Pre-Application Meeting</i></b>	
04/16/09	<p>A pre-application meeting was held to discuss the necessary applications for the proposed project, including a Site Development Plan Review, a Variance for signage, Special Use Permits for excessive height within the Airport Overlay District and for a Liquor Establishment, Tavern, and a Waiver to Title 18 street standards. Also discussed were the following issues:</p> <ul style="list-style-type: none"> <li>• Remapping of the subject parcels into a single parcel is required.</li> <li>• The project is deemed to be a Project of Regional Significance (PRS) as it pertains to the Special Use Permits because it is located within 500 feet of the boundary with Clark County. Traffic analysis, when available, may also affect this designation for the Site Development Plan Review.</li> <li>• Minor changes required to bring the streetscapes into compliance with the Downtown Centennial Plan.</li> <li>• Approval of the required Waiver of distance separation for the Liquor Establishment, Tavern, is dependent upon the passage of Text Amendment (TXT-32865).</li> <li>• Parking to be calculated as a Shopping Center only for those portions of the site meeting the definition. The casino portion is to be calculated separately.</li> <li>• Pursuant to Title 19.06.140, no Off-Premise Signs are permitted within the Las Vegas Scenic Byway.</li> </ul>

<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting was neither required nor held for this request.

Field Check	
05/07/09	A field check was conducted by staff. The site has existing vacant commercial buildings that are in relatively good shape, with the exception of a roof sign is disrepair. Landscaping is in poor shape, with weeds in most planter areas.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.17 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant Commercial Building and Parking Structure	C (Commercial)	C-2 (General Commercial)
North	Shops and Motel	C (Commercial)	C-2 (General Commercial)

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South	Resort / Casino	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment District) Clark County
East	Retail Center	C (Commercial)	C-2 (General Commercial)
West	Retail Center	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan (Las Vegas Boulevard)	X		Y
Beverly Green / Southridge Neighborhood Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District (Las Vegas Boulevard, John S. Park Adjacent Area)	X		Y
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District (175 Feet)	X		N
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y

## DEVELOPMENT STANDARDS

### *Pursuant to Title 19.06.080:*

- Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this Section may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Section 19.18.060, except that:
  - The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
  - Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
- Notwithstanding the preceding provisions of this Section, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto.

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## **ANALYSIS**

This Special Use Permit would allow the construction of a commercial building and roof sign to an overall height of 547 feet within the Airport Overlay District where height is limited to 175 feet. The sign is proposed as an LED video display, which would have a negative impact on the neighboring residential developments to the north and east, and could interfere with the maneuvering of aircraft and the visibility of pilots flying aircraft in the area, due to the glare created by the sign. Comments have not been received from the Clark County Department of Aviation. Therefore, staff is recommending denial of this request.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use cannot be conducted in a manner that will be harmonious and compatible with the surrounding land uses and will negatively impact the neighboring residential developments to the north and east.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type of land use proposed in that it is located within the Airport Overlay District, with a height limitation of 175 feet. The proposed development would exceed the allowed height.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Adequate access to the site is provided by existing driveways from Sahara Avenue and Cincinnati Street, which has direct access to Las Vegas Boulevard. Both Sahara Avenue and Las Vegas Boulevard are designated as 100-foot Primary Arterials. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Special Use Permit may compromise the public health, safety and welfare by creating an unsafe condition for aviation in the area.

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**5. The use meets all of the applicable conditions per Title 19.04.**

There are no applicable conditions per Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 742

**APPROVALS** 4

**PROTESTS** 3